

No. 03-21-00161-CV

**In the Court of Appeals
for the Third Judicial District
Austin, Texas**

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
5/3/2021 2:46:58 PM
JEFFREY D. KYLE
Clerk

OFFICE OF THE ATTORNEY GENERAL OF TEXAS,
Appellant,

v.

JAMES BLAKE BRICKMAN ET AL.,
Appellees.

On Appeal from the
201st Judicial District Court, Travis County

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO
FILE APPELLANT'S BRIEF**

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Attorney General of Texas

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TO THE HONORABLE THIRD COURT OF APPEALS:

1. Pursuant to Rules 10.5 and 38.6 of the Texas Rules of Appellate Procedure, Appellant the Office of the Texas Attorney General files this unopposed motion for a 20-day extension of time to file its opening brief to Tuesday, June 1, 2021.
2. The present deadline for Appellants opening brief is May 12. Appellant seeks a 20-day extension of time to file that brief. This is Appellant's first request for an extension of time to file its opening brief. Tex. R. App. P. 10.5(b).
3. Appellant requests this extension of time due to the many conflicting deadlines for lead counsel for Appellant, Solicitor General Judd Stone.
4. Since this appeal was docketed and the record completed, lead counsel and others assisting on this matter have had an unusually heavy docket of significant legal matters. Within the last week, those obligations have included an en-banc brief filed in the Fifth Circuit on April 28, 2021, in *Daves v. Dallas County*, No. 18-11368; a brief on the merits filed in the Court of Criminal Appeals on April 29, 2021, in *State v. Zena Stephens Collins*, Nos. PD 1032-20 & PD 1033-20; and an oral argument before the Fifth Circuit in *Texas Democratic Party v. Hughes*, No. 20-50683. These obligations have impeded counsel from preparing the opening brief in this matter.
5. Counsel also has numerous deadlines and obligations in the coming weeks, including an opening brief on the merits in this Court in *State of Texas v. City of Austin et al.*, No. 03-21-00144-CV, currently due on May 6.
6. Counsel is also scheduled to present oral argument before the Fifth Circuit en banc in *Daves v. Dallas County*, No. 18-11368 on May 26.

7. Counsel has in addition numerous nonpublic yet pressing matters that require attention in the coming weeks.

PRAYER

Appellant the Office of the Attorney General of Texas respectfully requests that the Court grant an extension of the deadline to file its opening brief until Tuesday, June 1, 2021.

Respectfully submitted.

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/s/ Judd E. Stone II
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CERTIFICATE OF CONFERENCE

I certify that, on April 27, 2021, I conferred with lead counsel for Appellees regarding the relief requested in this motion and confirmed that Appellees do not oppose the motion.

/s/ Judd E. Stone II
Judd E. Stone II

CERTIFICATE OF SERVICE

On May 3, 2021, this document was served electronically on Thomas A. Nesbitt, counsel for Plaintiff James Blake Brickman, via tnesbitt@dnaustin.com; Don Tittle, counsel for Plaintiff J. Mark Penley, via don@dontittlelaw.com; Carlos R. Soltero, counsel for Plaintiff David Maxwell via carlos@ssmlawyers.com; and Joseph R. Knight, counsel for Plaintiff Ryan M. Vassar, via jknight@ebbklaw.com.

/s/ Judd E. Stone II
Judd E. Stone II

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